

Larry Richards, Pro Se, In Propria Persona, Counsel of Record for the Plaintiff: Larry Richards and IF APPOINTED
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT: Ms. Georgeana K. Roussos, Attorney-At-Law,
(415) 252-1922; The Roussos Law Firm, 77 McAllister, Second Floor; San Francisco, California 94102

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Larry Richards, Pro Se, In Propria Persona,
2625 Alcatraz Avenue #317, Berkeley,
California 94705-2702, AND IN CARE OF:
Ms. Georgeana Roussos, 77 McAllister, Second
Floor, San Francisco, California 94102,
Plaintiff, Pro Se,

Vs.

1.) MICHAEL J. ASTRUE, COMMISSIONER,
Social Security Administration, And
2. -50.) DOE(S) defendants, named, unknown
persons, In Care Of: UNITED STATES
ATTORNEY, Attention: Social Security
Defense Attorney, 450 Golden Gate, San
Francisco, California 94102,
Defendants, Et. Al.

Case No.: **CV-08-1532 PJH**

Pro Se Plaintiff Larry Richards'

EX PARTE MOTION

**FOR THE COURT TO INCLUDE A de
Novo Hearing in C98-4132CAL INSIDE
THE EVIDENCE IN THIS CASE AT BAR**

JUDICIAL NOTICE #5: OF A SLIGHT
LESSENING OF ONE ASPECT OF the
URGENCY IN PLAINTIFFS PREVIOUSLY
FILED "EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER"
written on March 17th, 2008 filed on March 19th
2008, with the lessening occurring after the
filing date.

Pro Se Plaintiff's EXPARTE MOTION FOR A DENOVO HEARING IN C98-4132CAL:

COMES NOW: Pro Se Plaintiff Larry Richards and states that he is in receipt of this
COURT's ORDER DIRECTING REASSIGNMENT OF RETIRED JUDGE CASE which in
essence seeks to close this current case as duplicative and reopen the case in which retired Judge
Charles A. Legge negotiated a representation of the SSA Defendants to go back to the beginning
of this case, correct their errors, and pay the Plaintiff Richards. The Plaintiff fears that
REASSIGNING THE NUMBERS IN THIS CASE might cause the COURT to just read that
case and dismiss this current case Complaint. Plaintiff concedes these two cases are related, all
the facts in 98-4132CAL are reasserted and realleged herein, HOWEVER there are AT LEAST

1 FOUR ADDITIONAL CLAIMS asserted in this current case-at-bar # C08-1532PJH of:
 2 **FIRST** the SSA Defendants FRAUDULENT LYING UNDER OATH TO A UNITED STATES
 3 DISTRICT COURT JUDGE; {the Honourable Charles A. Legge (Ret.)} inorder to obtain
 4 dismissal; and WITH at least three sub-count CLAIMS of 1.) 405 g final decision after payment
 5 termination, 2.) 423 g 1 c the payment continuations during hearing, and 3.) the futile need for
 6 even further administrative process under 405 g. AND **SECONDLY** THE EVEN MORE
 7 PRIMA FACIE PROOF OF REFUSAL TO HONOR THE REPRESENTATIONS MADE TO A
 8 UNITED STATES DISTRICT COURT JUDGE; the same Honourable Charles A. Legge (Ret.)
 9 and actually do the administrative process the SSA Defendants falsely claimed was so essential;
 10 and WITH at least three sub-count CLAIMS of 1.) refusing to deal with Plaintiff's Pro Bono
 11 Attorney Georgeana Roussos and 2.) refusing to deal with Plaintiff himself, personally, and 3.)
 12 fraudulently requiring a "T - 1" status new application inorder to invoke Res Judicata over this
 13 entire case when they waived both Res Judicata and T - 1 status in representing to a United
 14 States District Court Judge that THEY would go back to January 6th 1987 and reevaluate
 15 Plaintiff's case, correct their errors, and pay the Plaintiff his back payments and current
 16 payments AND **THIRDLY** THE WILLFUL INTENTIONAL INFLICTION OF EMOTIONAL
 17 MENTAL AND PHYSICAL DISTRESS THE WILLFUL FRAUD OF THE SSA
 18 DEFENDANTS CAUSED ONTO THE PLAINTIFF AND **FOURTHLY**, the additional Title 2
 19 and Title 16 Disability Backpayments and Current Payments and Payment Continuations
 20 **THEMSELVES** that stretch from the August 1st 1997 date of CV-98-4132CAL to this present day!
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THEREFORE, this case-at-bar IS A 440 OTHER CIVIL RIGHTS CASE as well as a
 SOCIAL SECURITY FRAUD CASE! IN WILLFUL VIOLATION OF NUMEROUS OF THE
 INNOCENT PLAINTIFF'S OTHER CIVIL RIGHTS THE DEFENDANTS WILLFULLY

1 COMMITTED FRAUD ON AT LEAST FOUR SEPARATE OCCASIONS INORDER TO
2 WILLFULLY, DELIBERATELY DESTROY; STARVE TO DEATH; DIMINISH THE
3 ALREADY FRAGILE HEALTH OF; AND MURDER UNDER COLOR OF LAW THE
4 INNOCENT FEEBLE PERMANENTLY PHYSICALLY DISABLED Pro Se Plaintiff Richards!
5

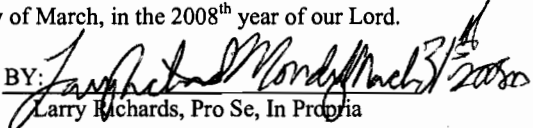
6 **THEREFORE** Plaintiff believes that this new case should NOT be dismissed as
7 duplicative, but RATHER **MOVES** this HONOURABLE COURT to hold a DeNovo Hearing of
8 the ENTIRE CASE of CV-98-4132 CAL and INCLUDE THOSE FACTS in this NEW CASE
9 AND CLAIMS.
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11 **JUDICIAL NOTICE #5:** IN This case-at-bar the Plaintiff has filed an "EMERGENCY
12 Motion for Temporary Restraining Order." In the application for said Order, the Plaintiff
13 CORRECTLY wrote, swore, signed, dated and filed on March 17th 2008 the emergency need to
14 pay his past medical bills and surgical bills and MOST IMPORTANTLY his bills for his
15 pending new surgery. The Plaintiff CORRECTLY FILED that "Emergency Motion for TRO"
16 on March 19th 2008. Just two days later on March 21st, 2008 INORDER TO REINFORCE TO
17 THE COURT THE COURT'S NEED TO BE UNDERSTANDING THAT IT IS DEALING
18 WITH A PERMANENTLY PHYSICALLY DISABLED PLAINTIFF IN DIRE NEEDS OF
19 MEDICAL ASSISTANCE AND DISABILITY PAYMENTS, the State of California on March
20 21st, 2008 enrolled Plaintiff ONTO the California STATE Medical Payments Program
21 commonly known as "Medi-Cal" SOLELY because of the Plaintiff's Tumor in his spine, which
22 is Prima Facie Disabling. Medi-Cal HAS NOT agreed to retroactively pay the Plaintiffs medical
23 bills due to the Fraud of the SSA Defendants back to August 1st, 1997, however the Plaintiff has
24 now requested such retroactive medical bill payments from Medi-Cal which said request is
25 attached as Plaintiff's Exhibit #5 herein. {Please note: that the exhibits referenced in the Exhibit
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#5 letter are actually Exhibit #2 in this case-at-bar and also the "Complaint" and "Emergency Motion for TRO" in this case-at-bar so although they were attached to Exhibit #5 in it's original form, they are not resubmitted here.} Now essentially this means that the Plaintiff's urgency for MEDICAL PAYMENTS ONLY has been reduced. The Plaintiff STILL has numerous urgent needs, but since Medi-Cal now AGREES that the TUMOR in Plaintiff's SPINE is PRIMA FACIE DISABLING and therefore will agree to pay for the Plaintiff's URGENT NEED FOR FUTURE SURGERY, ONLY ONE ASPECT of the Plaintiff's Emergency Based Motion for Temporary Restraining Order is now lessened. The PAST still remains unpaid. The remaining issues remain just as urgent. In fact it may be even more urgent, because now that the Plaintiff has a way to pay for his urgently needed surgery, he is available to have it JUST AS SOON AS THIS CASE-AT-BAR IS SETTLED, PAID, AND RESOLVED. Because the Pro Se Plaintiff could not be expected to conduct this case-at-bar while undergoing the recovery from surgery or the stresses that leads up to it! Therefore, only one significant, but not entirely determining aspect of the Plaintiff's EMERGENCY has been resolved. However, the totality of the remaining URGENCY, still remains and so the Pro Se, indigent, desperate Plaintiff BEGS that the Court move with alacrity and resolve all these other issues in a TRO as requested.

RESPECTFULLY SUBMITTED:

Signed, Sworn, and Dated in San Francisco, California on this
Monday, the 31ST day of March, in the 2008th year of our Lord.

BY: 
Larry Richards, Pro Se, In Propria
Persona, Counsel of Record for the
Plaintiff: Larry Richards and IF
APPOINTED PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT:
Ms. Georgeana Roussos, 77
McAllister, Second Floor;
San Francisco, California 94102

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PLAINTIFF'S EXHIBIT #5

LARRY RICHARDS

URGENT! HAND-DELIVERED on: Monday, March 31ST, 2008 @ 1:00 PM

Ms. Nora Capistrano, Case Worker Number Y243
(415) 558-1941 Medi-Cal, 1440 Harrison Street
San Francisco, California 94103-4312

RE: retroactive payments of my medical bills / re-connecting me to my previous Medi-Cal account

Dear Ms. Capistrano:

I am very grateful for your kind assistance in getting me re-enrolled into Medi-Cal! Especially with your filling out the forms for me because the great rage and stress that this type of thing causes me is what has kept me out of the system for so long. I am extremely stressed over what has happened to me on several levels; and the extra stress because of the forms and having to think about all my physical disabilities again and deal with the rage of all of this again is just too much for me. If it had not been for your kind help in helping me with the forms I would never have made it.

I say re-enrolled because I was on California's Medi-Cal payments system from about June 1996 until August 1997 because I had moved here from Hawaii. I have not left this exact spot for OVER A DECADE and yet I have not had Medi-Cal even though my permanent physical disabilities entitled me to Medi-Cal the entire time! The Social Security Administration made a severe grievous "error" in my case! In August 1997 THEY falsely claimed that I had too much money in a bank account that I did not even have, and apparently not even a real person with my same name had. I got a notarized letter from the vice-president of the bank saying that not only did I not have this account but that the account is a five digit account and no-one in that bank in all their accounts has ever had a five digit account because they do not use five digit accounts in their entire banking system. BUT Social Security took me off of their system without a hearing and that stopped my Medi-Cal. I was filled with anger and rage and that was part of their plan. I had been suing them to be properly placed upon Title 2 instead of welfare Title 16 SSI; and doing the writings for the Court myself by hand, and it was extremely stressful, and they knew that. This eventually pushed me over the edge of my capabilities and it has taken me a decade to start to do this all over again. Of course I sued Social Security again but this time for Fraud and a Temporary Restraining Order. My case crawled through the legal system all without me having any money. Finally by late 2001 I had lost; and not because my cause was not right or legitimate, but because the SSA said that due to sovereign immunity I could not sue them under any access except by getting a final decision of the commissioner and that I did not have that decision yet. {I know, and you

know that had nothing to do with the issues, but I lost anyway} The point being by that time I was so angry, so apoplectic I could not even function! So I just had to not do the case anymore. The one decision that I did receive partially favorable to me is attached here at the end of this letter. It was that the SSA **agreed to go back to January 6th, 1987 in my case, re-evaluate my timely filed Title 2 Request for Reconsideration and correct their errors and pay me RETROACTIVELY**. And it is that retroactivity that I write to you about.

Now I understand that my request is probably beyond your authority to grant, but I am asking you to reinstate my Medi-Cal from August 1997 to the present because I should have never been taken off of Medi-Cal because of the error of Social Security. **If you are absolutely certain that you cannot do this yourself, then please fax a copy of this letter to the highest up person who has the authority to do so, and request emergency action!** I have enclosed the Federal Court decision labeled as Exhibit #2 that proves that Social Security agreed to retroactive my case back to January 1987 {the 1988 is a typo, I did not have an 1988 Request for Reconsideration it was January 6, 1987}. What I am requesting you to do is reinstate me retroactively because **what happened to me is an actual crime**, it is illegal to take away a persons property rights without "due process of Law". I realize that everyone will tell you that your regulations only allow you to go back three months or six, or a year or whatever, but I bet there is a Fraud provision in your regulations that allows you to go back further; even an unlimited amount of time. That Fraud provision is mostly directed at claimants; if a claimant commits Fraud you can go back an unlimited amount of time. Well I did not commit Fraud; **FRAUD WAS COMMITTED ONTO ME!** Not by Medi-Cal but by Social Security. Now I believe you could get to a legal authority in your organization who would see this my way, and as a losing battle for Medi-Cal if they oppose my request for retroactivity back to my original Medi-Cal account. You see since Fraud was committed upon me; there is no statute of limitations for Fraud. Because of the Fraud committed upon me, I could eventually force Medi-Cal to retroactively reinstate me because of that Fraud. You see I have been right here in this spot for a decade; all of my permanent physical disabilities and medical needs have remained the same; I have had surgery, injury, sickness, motorized wheelchair repairs, glasses, even an MRI or two; and I have of course received medical bills even though I am a medically indigent person. So I owe a lot of back dated medical bills that normally you would just be able to not retroactively pay because your regulations only allow you to go back so far, (probably up to 3 years because of error, or 1 year because of good cause, though I admit I have not checked your regulations, nor will I). Because your regulations are irrelevant in this case because there is no statute of limitations for Fraud.

To put it simply:

- ▶ I was on your Medi-Cal payments system quite a while prior to August of 1997.
- ▶ I was a victim of Fraud prior to August 1997.
- ▶ The Fraud manifested itself on August 1, 1997 when I was illegally removed from both

Medi-Cal and SSI ***WITHOUT A HEARING, OR FORMAL CONFERENCE!***

- ▶ There is no statute of limitations for Fraud.
- ▶ On the basis of FRAUD, I request that you retroactively reopen and reconnect me to my August 1, 1997 Medi-Cal account as if I had never been removed from Medi-Cal and
- ▶ mail me the one single printout similar to the other retroactive ones that you have just mailed me that is dated 9/01/2007, in other words all I truly need is that one printout REDATED to 8/01/1997! This printout is called an MC 239 D1 Medi-Cal Notice of Approval for Retroactive Eligibility; Month- 121 Retro Medi-Cal Approval: NOTICE OF ACTION under Rules: Title 22: 50653, 50710 {its 121 months from 8/1/97 to 9/1/07}
- ▶ And of course, after I present my Benefits Identification Card and that Notice of Approval for Retroactive Eligibility Month 121 to all my providers, pay all of my medical bills from 1997 to the present, these are mostly San Francisco based at San Francisco General Hospital and St. Mary's. There are motorized wheelchair bills from South Hayward, and El Cerrito but that is still while I am based in San Francisco.

Now if your supervisor is reluctant, or their supervisor is reluctant you should inform them that I have now re-filed the lawsuit in Federal Court and could name Medi-Cal if necessary but it clearly is not. I AM REQUESTING THAT Medi-Cal IMMEDIATELY FIND THAT DUE TO FRAUD IN MY CASE DATING BACK TO AUGUST 1 1997 THAT MEDI-CAL WILL RETROACTIVELY PAY ALL MY SAN FRANCISCO BASED MEDICAL BILLS FROM AUGUST 1, 1997 TO THE PRESENT. These are almost all at San Francisco General Hospital and St. Mary's Hospital, one in El Cerrito, many in South Hayward. I probably have a few others for prescriptions and other things, but other than for my motorized wheelchairs and repairs they are not even worth looking up again.

Please write me as soon as you can and keep me updated as to the status of this request because as I say, I now have a Federal lawsuit rolling over this issue, I am going to inform the Judge that I contacted Medi-Cal and am awaiting your decision to reinstate me to my August 1, 1997 account and retroactively pay my medical bills. If I have not received a final decision from Medi-Cal within 90 days from the date of this letter, {that would be on or before June 30th, 2008} I will have no choice but to amend my complaint and include Medi-Cal into this retroactive payments lawsuit and cost you more money and staff time when you could have easily just paid my medical bills from 1997 onward. I can attest that I have not accrued any medical bills in any location other than those listed above.

Thank you very much for your kind assistance and patience in this matter, I remain,
Respectfully Submitted:

Larry Richards